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UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

PRESIDING OFFICER'S  
RULING NO. C2001-1/8

Complaint on Sunday and Holiday Collections

Docket No. C2001-1

PRESIDING OFFICER'S RULING ON  
MOTION TO COMPEL THE UNITED STATES POSTAL SERVICE  
TO RESPOND TO INTERROGATORY DFC/USPS-71(a-b)

(Issued August 10, 2001)

On July 31, 2001, Douglas F. Carlson filed a motion to compel the Postal Service to respond to interrogatory DFC/USPS-71 subparts "a" and "b."<sup>1</sup> Subpart "a" requests information on Saturday collection policies. Subpart "b" explores whether the Postal Service follows that policy in one specific geographic area. The interrogatory was filed with the Commission on July 23, 2001.<sup>2</sup> The Postal Service filed an objection to the interrogatory on July 27, 2001.<sup>3</sup> The Postal Service responded to the motion to compel on August 9, 2001.<sup>4</sup> Interrogatory DFC/USPS-71 states:

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<sup>1</sup> Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-71(a) & (b), filed July 31, 2001 (Motion).

<sup>2</sup> Douglas F. Carlson Follow-Up Interrogatories to the United States Postal Service (DFC/USPS-70-71), filed July 23, 2001.

<sup>3</sup> Objection of the United States Postal Service to Carlson Interrogatories DFC/USPS-71(a-b), filed July 27, 2001 (Objection).

<sup>4</sup> Response of the United States Postal Service in Opposition to the Carlson Motion to Compel Regarding DFC/USPS-71(a-b.) and Motion for Late Acceptance, filed August 9, 2001 (Response). The motion for late acceptance is granted.

Please refer to the revised response to DFC/USPS-35(b), filed on July 12, 2001.

- a. For a city-delivery post office such as New York, New York, please confirm that Postal Service policy requires a final collection on Saturdays as late in the day as possible but not earlier than 1:00 PM for every collection box that is accessible to the public on Saturdays and that receives an average of 100 pieces of mail or more on weekdays. If you do not confirm, please provide copies of memos issued by Delivery Policies and Programs after July 23, 1999, that support your decision not to confirm the statement in this interrogatory.
- b. Please confirm that some collection boxes in Manhattan that receive an average of 100 pieces of mail or more on weekdays and that are accessible to the public on Saturdays have a final Saturday collection prior to 1:00 PM. If you do not confirm, please explain.
- c. Please confirm that some collection boxes in Manhattan, including mail chutes located in buildings, are not scheduled for a Saturday collection. If you do not confirm, please explain.

In its Objection to subparts "a" and "b," the Postal Service argues that the issue of whether Saturday collection schedules have been set in compliance with guidance to the field is irrelevant and beyond the scope of permissible inquiry. The Service states that the Saturday collection schedules in New York are what they are. The Postal Service's Response further argues the irrelevance of the interrogatory and discusses the circumstances surrounding the events that Carlson is investigating.

In the motion to compel, Carlson argues that responses to these questions are relevant to his adequacy of service argument. He describes the logical progression of his argument, and how responses to these questions are relevant. He states that New York will serve as a "case study" to discuss the potential harm to customers caused by using a Saturday collection schedule on a weekday, and on the differences between the Postal Service stated position on Saturday collection and its actual practice.

The motion to compel a response to DFC/USPS-71(a-b) is granted. Given that Saturday schedules are sometimes used during the week for holiday eve collections, Carlson is persuasive in explaining the relevance of this interrogatory to his argument and the Complaint. The specific information requested taken by itself may or may not

demonstrate, as described by the Postal Service, a "unique, temporary, and highly-localized condition," and be of only limited relevance. However, the adequacy of this collection practice, and a comparison of this collection practice with the other collection practices utilized by the Postal Service is relevant to understanding the sufficiency of collection practices on holiday and holiday eves.

### RULING

1. The motion for late acceptance within the Response of the United States Postal Service in Opposition to the Carlson Motion to Compel Regarding DFC/USPS-71(a.-b.) and Motion for Late Acceptance, filed August 9, 2001, is granted.
2. The Douglas F. Carlson Motion to Compel the United States Postal Service to Respond to Interrogatories DFC/USPS-71(a) & (b), filed July 31, 2001, is granted.

  
Ruth Y. Goldway  
Presiding Officer